

Town of *Dunstable* Selectboard
Meeting Minutes
November 30, 2021
Town Hall, Dunstable, MA 01827

Convened: 6:00 pm

Present: Leah D. Basbanes, chair, Kieran D. Meehan, vice chair, Ronald J. Mikol, member(s); Brian M. Palaia, Town Administrator; James W. Dow, Chief of Police; Victoria Tidman, Assistant Assessor; Bob Ricardelli, Board of Assessors; Harold Simmons, Advisory Board; Mike Martin, Roads Commission; Joan Simmons, Planning Board

Selectboard Reviewed & Signed the Following:

- Paperwork for Tax Classification Hearing
- Certificates of Donation for Town Parcels for Rt. 113 Infrastructure Project

Call to Order & Public Forum

Ms. Basbanes called the meeting to order. She then went over the agenda which included the annual Tax Classification Hearing, a Request for a Stop Sign on the Corner of Thorndike Street & Hardy Street, and a Vote to Authorize the Singing of a Certificate of Donation for Town Parcels for the Rt. 113 Infrastructure Project.

- Rt. 113 Infrastructure Project Water Component

Mr. Martin stressed that this is very important. We need to do the work proposed for the water line under Hillcrest Street and the proposed loop down part of Westford Street. Mr. Palaia noted that the Commonwealth has not allocated the necessary additional funding, but we may be able to use ARPA funding. The Board stressed its commitment to doing so assuming it is possible. Mr. Martin stressed we'll never get this money again. The Board noted this would loop Hillcrest Street down Westford Street down past the Central Cemetery and connecting to Main Street. Mr. Martin reminded all present that this would be of great benefit to the water system and makes complete sense to do. He then provided some further detail including the fact that there'd likely be another water main as part of this as well. The Board clarified that his advocacy is that we spend the ARPA money to replace any water main under the Rt. 113 project plus constructing the loop. Mr. Martin confirmed this is his position. The Board asked if the loop could be longer to include more such as the rest of Main Street running to Lowell Street. Mr. Martin responded it would be difficult. The system tends to dead end its lines which isn't efficient. The more we can keep it flowing the better. The Board asked where it dead ends on Lowell Street. Mr. Martin responded just past the Dumont's. Mr. Palaia noted it might be possible to loop down there, but it hasn't been researched. It would be "cross country," but it could be possible. The Board asked what the price tag is. Mr. Palaia responded about \$500,000 not including any of the discussion regarding looping out to Lowell Street. The Board asked what the time limit is on spending these funds. Mr. Palaia responded we have to expend the funds by 2026. He felt it foolish not to replace the water main(s) and do the loop. Mr. Martin stressed that this is good for the whole town, even those not on the system. Mr. Palaia noted there is an equity question about spending half our ARPA funds on this. He felt this valid to do as a project and worthy of the funds. But there is that question. The Board tended to feel that this would be an excellent use of the funds and asked if this would be a town meeting decision. Mr. Palaia responded it's the Board's decision. He has to file the first budget by March for the ARPA funds that delineates what the town's plans for use of the funds are.

Tax Classification Hearing

Ms. Tidman began the discussion by elaborating on the process, what the valuation classes are, and how commercial/industrial taxes fit into Dunstable. Given Dunstable's small commercial and industrial tax base, any shifting of the taxes to maintain a lower residential rate would take a significant shift and would only yield a modest residential tax reduction. For every \$1 dollar that the commercial, industrial, and personal property tax rate is increased the residential rate would only see a decrease of .07 cents. As a result the Assessors recommend that the Board adopt a residential shift factor of 1.00. This will allow all classes of property to be taxed at the same rate. Based on an anticipated vote to maintain a single tax rate, Ms. Tidman noted she calculates the tax rate would be approximately \$15.25 per thousand taxed. She stressed this is an estimate only and the actual rate may vary as it won't be final until after a review by DOR which could result in a different number. The Board felt that a decrease of .07 cents was negligible. The Board noted this rate would also cover a change in the share of the cost for the Water Infrastructure Project's debt between ratepayers and taxpayers which was at 25/75 and would now be 50/50. The Board then asked Mr. Palaia where our rate compares to Groton. Mr. Palaia responded that we are likely at a lower rate. If we have an override we would likely become neutral. Mr. Ricardelli noted that the Board of Assessors is very pleased with how things have been running. He praised Ms. Tidman and their Assistant Assessor Susan Bresnick. The Board then

Approved and adopted on 12/14/21

proceeded with the motion to accept the Assessors recommendation of a factor of 1.00 and determined to end the hearing and proceed with other business.

A motion was made by Mr. Meehan to accept the recommendation of the Board of Assessors to adopt a residential factor of 1.00. The motion was seconded by Mr. Mikol and passed unanimously.

Request for Stop Sign on Corner of Thorndike Street & Hardy Street

The Board in turning to this matter noted that this request comes from the Roads Commission. They received the original request from a resident and have recommended the placement. Mr. Martin briefly elaborated on the matter explaining that it doesn't hurt to put it where requested. It is the Board's decision, Roads only makes a recommendation and Highway Dept. installs it. Mr. Palaia asked if there is a formal recommendation. Mr. Martin responded it is indeed the formal recommendation of the Roads Commission. The Board noted that one of its members lives on Hardy Street and it was unclear if a sign would necessarily solve the issues there. Chief Dow suggested that a stop sign may or may not change things but it will change the Police Dept.'s ability to enforce. If there's no sign and there's a violation the Police Dept. has limits on enforcement. If there is a stop sign there, Police Dept. can absolutely enforce a failure to stop. He felt if residents feel that there is a problem there then they are likely right. He knows of some accidents up there and a few close calls. For definitive numbers he'd have to go back through Police Dept. data. But he stressed the reason to place it if there is a problem is to allow the Police Dept. to enforce. He recalled that in the past there may actually have been a sign there. But wasn't certain. That was based purely on memory. The Board noted the biggest danger it is aware of there was not failure to stop of anyone coming off Hardy Street. It's often people coming down Thorndike Street during times of day when sunlight can blind drivers at that intersection. Further some drivers on Thorndike cut the corner coming from the west heading east and then turning on to Hardy Street. Chief Dow returned to enforcement. If there's no sign there it can be more complicated. We can't really add stop signs to Thorndike in that location given the right of way. There was some side discussion of issues with Hall Street and Groton Street. In relation to Hall Street, Mr. Martin was of the opinion that a stop at Hall Street doesn't really improve things because of the line of sight at that intersection. Chief Dow responded we all know our roads so well as residents. We have to take the prospective of those from out of town who may be passing through.

Mr. Simmons argued that those using Hardy Street are cutting through to New Hampshire. Chief Dow countered in his mind its more New Hampshire people coming to Massachusetts. The Board noted regardless we have to determine the course of action here. Ms. Simmons agreed asking how many stop signs are we considering here. Mr. Martin responded simply one at the end of Hardy Street. Mr. Palaia felt that the town lacks a lot of data on this and its relation to traffic. This therefore comes down to a discretionary decision by the Board. Chief Dow reminded that the Police Dept. does its best to patrol, but it is really is subjective. They can't constantly observe it. The Board felt that the real issue on Hardy Street is speeding. Mr. Palaia felt that everyone's observations are valid. But like many towns we're in the situation of making a decision without a lot of hard data. He suggested we need to establish a threshold for these decisions other than just that a resident requested it. Chief Dow felt that threshold is whether it would improve public safety. The Board asked if there is an alternative. There was a question about other signage like a yield. The Board noted it's a t intersection so that wouldn't work. Other ideas were floated such as cautionary signs and painting a stop line. All had various issues and complications. The Board felt that given the fact that only roughly two accidents can be recalled there then it appears that it isn't necessary. There was a question on the ultimate authority of the Board to make this decision. Mr. Palaia elaborated on how it works and the rules for changing speed limits, traffic lights, and similar. Chief Dow agreed noting that to change a speed limit we have to do a speed study. And in many cases if we did this speed limits would have to increase. A lot of the limits were imposed in the past and are grandfathered from times when the town had more discretion as it still does in the instance of stop signs. The Board's consensus was that it was not in support of this request. It was agreed that the residents did the right thing by expressing their feelings and making the request. This is not a judgement on the request. The Board by no means intended to invalidate the opinions of the requesting resident.

A motion was made by Mr. Meehan to decline to place a stop sign at the corner of Thorndike Street and Hardy Street. The motion was seconded by Mr. Mikol and passed unanimously.

Vote to Authorize Signing of a Certificate of Donation for Town Parcels for Rt. 113 Infrastructure Project

Mr. Palaia outlined this item. There were several properties that have been donated for this project and pursuant to this the Board needs to sign the certificates. This is mostly paperwork. In the larger context of things this has been held up by EEA and the Massachusetts Senate. For the past months he has been making many phone calls and sending many

emails. The Commonwealth has determined December 20th is the date for opening bids so the legislation needs to be done by then and we are now 20 days away. He made multiple calls to the Governor's Office. They promise a call this week. Mr. Palaia expressed concern that even if EEA finally does finally sign off and this passes the Senate it may need to be sent back to the House and it may not be done in time. The Board's main concern was whether all of this would kill the project. Mr. Palaia felt that at this stage it might not, but it will certainly delay the project. Mr. Martin expressed hope it would make it. This has been in the works for nearly 8 years. He'd hate to see it dragged out as it'll mess up a lot of long term planning down the line. Ms. Simmons noted that we have until 2026 to spend the ARPA money so we may be able to still do all of this. Even if we have to wait. The Board expressed some exhaustion at how long this has taken and how many resources have been sunk into this. Mr. Palaia agreed. The amount of work that will have to be done because one official at EEA cannot act or articulate why they won't act is ridiculous. We went out of our way to get votes at town meeting for DOT to make this happen. We've spent thousands on eminent domain. This is very disappointing.

A motion was made by Mr. Mikol to authorize the Board's chair to sign the paperwork relating to the certificates of donation for these properties identified by parcel number and indicated on the certificates of donation as prepared and dated for November 30th, 2021. The motion was seconded by Mr. Meehan and passed without objection.

Appointments & Resignations

The Board noted that there are no appointments for this agenda. There are, however, several resignations. The first two concern firefighters who have resigned, David and Corey Morin. The Board accepted the resignations and accepted the resignations. Mr. Voelker then noted there is an appointment that should be rescinded. It concerns Carl Flowers, who has been a long time member of the Agricultural Commission. Mr. Flowers has declined to be sworn in for his latest term. Further, it turns out that the statute for Agricultural Commissions has a provision requiring members to be residents. This is unusual as typically with appointed offices there is no residency requirement. The Agricultural Commission has argued that Mr. Flowers's owning of land in Dunstable, which he does farm, should qualify him. But that appears to be a moot point given his intentions. As such Mr. Voelker advised the Board to rescind the appointment and noted that the Town Clerk concurs that recession is the best way to handle the matter. The Commission has three members serving and may have anywhere from 5 to 7 members appointed under the controlling statutes provisions. They continue to look for additional members. Mr. Palaia noted it's pretty cut and dry. Mr. Flowers lives in Groton and the statute requires residency. It's unusual for appointed boards, but not unheard of. Ms. Simmons, wearing her Agricultural Commissioner hat, recalled that the Commission feels this to be ridiculous. Still she conceded that the Commission hasn't been active the last few years until very recently. The Commission just held a meeting for the first time since 2016 and has adopted a schedule of meeting quarterly going forward. She noted that Mr. Flowers has been highly active for farmers on a statewide basis and been a strong advocate for farming in Dunstable. Personally she was unhappy to see this happen. The Board asked if Mr. Flowers is an asset to the Commission. Ms. Simmons responded he always has been. Still he's 85 and won't be around for much longer. The Commission is supposed to have 5 members. It's at 4 including Mr. Flowers. There are others interested, but they don't qualify under the statute either. Mr. Palaia reiterated that the statute says that each member of the Commission must be a resident of the town. It would appear evident that he's not eligible. Residency can be complicated as a question and would need to be ascertained by the Board of Registrars. The Board noted these are open meetings of a public body and Mr. Flowers can always contribute as a volunteer instead of as a member. We have to maintain the legitimacy of our public bodies. Further if we choose to maintain a blind eye here then we may face uncomfortable questions from other bodies. Mr. Palaia noted that we do have other out of town members of appointed bodies, but in those cases there is no residency requirement set in statute. The Board understood that, but concluded a recession to be necessary in this case.

A motion to accept the resignations of the two firefighters was made by Mr. Meehan and seconded by Mr. Mikol. The motion passed unanimously.

A motion was made by Mr. Mikol to rescind the appointment of Carl Flowers to the Agricultural Commission for a term set to expire June 30th, 2024. The motion as seconded by Mr. Meehan and passed unanimously.

Town Administrators Report

Mr. Palaia reported that he addressed most of what he had at under the heading of the parcel donations for the Rt. 113 Infrastructure Project. Ms. Simmons then took a moment to remind about the Community Preservation Committees work on the Union School Building. That's looking to be a project just north of \$336,000. The work for estimating the scope of the work is being paid for by CPC funding for administration and once they have a final report substantiating

the cost of the project they can proceed with any request at town meeting. She couldn't speculate if that would be ready for the Annual Town Meeting or not. There is also a question of whether the school district would participate in that cost or not. It was unclear. The Board recalled that Groton has come to Dunstable for CPC funding for projects that benefit both towns. It was suggested it could be connected to their capital plans. But they may disagree. Mr. Palaia noted that otherwise we're on an 80/20 formula for how costs are distributed.

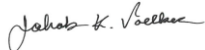
Minutes

The Board reviewed the minutes for November 9th, 2021. Upon review the Board determined to approve the minutes.

A motion was made by Mr. Meehan to approve the minutes of November 9th, 2021, as written. The motion was seconded by Mr. Mikol and passed unanimously.

A motion to adjourn was made by Mr. Meehan at 7:05 pm. The motion was seconded by Mr. Mikol and passed by majority vote.

Respectfully submitted by



Jakob K. Voelker, Assistant Town Administrator